

REMARKS

The Office Action rejected independent claim 21 as being anticipated under 35 USC 102(b) by Lloyd, US Patent 5,024,257. The Office Action states that Lloyd contains all of the elements of claim 21 including a bottom plate 74, a rear plate 36, an alignment member 42,44, a first and second adjustment 100, a front plate 142, handle 160, at least one marker 32,50 and a post 196. Applicant wishes to point out that claim 21 specifies that a plurality of grooves extend through the bottom plate. There are no bottom grooves of any type shown in alleged bottom plate 74 of Lloyd. Without such bottom grooves, Applicant's jig would not function and such feature is not shown in Lloyd.

The Office Action states that Lloyd contains at least one marker 32. Component 32 is a generally flat rectangular table (Fig. 2) and it is not understood how such a flat rectangular table could be construed to be a marker as defined in claim 34, which specifies that the rear plate is formed with a marker which corresponds to at least one groove formed in the bottom plate. Furthermore, as stated above there are no grooves in alleged bottom plate 74. The Office Action also indicates that component 50 is a marker. Component 50 is shown in Fig. 2 and defined in the Specification Column 6, line 62, as being a slot or opening formed in table 32 to permit the movement of router 60 therealong. Again, it is not understood how such a groove could be considered a marker formed in the rear plate as defined in claims 34 and 35.

Claim 21 has now been amended to specify that the rear plate is secured to the bottom plate which is completely different from the alleged rear bottom plate 74 of Lloyd which is movable with respect to alleged rear plate 36 (Fig. 2). Claim 21 furthermore defines Applicant's rear plate as extending orthogonally upwardly from the bottom plate. Outer edge 36 of Lloyd extends downwardly from a moveable mounting plate 74 and not upwardly therefrom as defined in claim 21. Furthermore, plate 74 and edge 36 of Lloyd do not define any type of trough as defined by the rear and bottom plates of Applicant's jig as set forth in amended claim 21. Claim 21 has been further amended to specify that the alignment member 60 which is carried by one of the rear and bottom plates, extends into the

trough formed by the bottom and rear plates, and has first and second faces (64,68 – Fig. 1) offset from each other to align a pair of workpieces with the grooves in the bottom plate. Again, there are no grooves in the bottom plate of Lloyd, nor is there any alignment member which extends into a trough (since there is no trough in Lloyd), much less an alignment member having first and second faces offset from each other. The alleged alignment member in Lloyd is 42 and 44 which are vertical edges clearly shown in Fig. 2 and described in Column 6, line 46. Lloyd further specifies that vertical edges 42 and 44 are not of critical importance and merely provide good rigidity to the table and convenient attachment of L-shaped skirt portions 46 and 48. Again, it is respectfully submitted that such vertical edges are not the same as nor suggest an alignment member having first and second offset faces as now set forth in amended claim 21.

The Office Action rejected claims 21-40 under 35 USC 112 as being indefinite for failure to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 21 as now amended is believed to set forth specific structure which is not shown or suggested by the prior art. A functional limitation in a claim in order to define what it does rather than what it is is not inherently wrong and such functional language does not in and of itself render a claim improper *In re Swinehart*, 439 F.2d 210, 169 USPQ 226 (CCPA 1971). The functional language of claim 21 is used to better define the present invention and should not render the claim indefinite. Therefore, it is respectfully requested that this rejection be withdrawn in view of the amendments to claim 21, which claim now contains additional structure not shown or suggested by the prior art. While features of an apparatus must be distinguished from the prior art in terms of structure rather than function, the prior art cannot anticipate the claim if there are any structural differences, which as pointed out above, clearly exist in claim 21 with respect to the Lloyd reference.

In view of the amendments discussed above with respect to claim 21, it is respectfully submitted that claim 21 clearly defines over Lloyd individually or if combined with any of the previously cited prior art which was discussed in the previously submitted amendment. Claim 25 has been amended so that the

language thereof corresponds to claim 21 since some of the subject matter of claim 25, namely, the first and second offset faces, are now included in claim 21.

In view of the above amendments, it is respectfully submitted that claim 21 is now in condition for allowance, together with claims 22-27 and 31-40 depended therefrom and action to that effect is respectfully requested.

Respectfully submitted this 8th day of February, 2007.

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